

Clean Copy of Amended Claim

Please amend claims 36-42 as follows:

36. (AMENDED) A method for preparing a synthetic promoter that is homologous to a template promoter which comprises the steps of:

- B1
- (a) comparing the sequence of a template promoter with known nucleic acid sequences;
 - (b) selecting segments of said known nucleic acid sequences similar to segments of the template promoter sequence;
 - (c) aligning the selected segments in linear order on the basis of the template promoter to derive a first synthetic homologous promoter;
 - (d) constructing a first synthetic homologous promoter; and
 - (e) testing the first synthetic homologous promoter for activity.

37. The method of claim 36, wherein the selected segments have between 60% and 100% sequence identity with segments of the template promoter.

38. The method of claim 36, which further comprises the steps of:

- (f) modifying the sequence of the first synthetic homologous promoter which does not have maintained or improved activity compared to the promoter to produce a second synthetic homologous promoter; and
- (g) testing the synthetic homologous promoter for activity.

39. The method of claim 38, wherein steps (f) and (g) are repeated until a synthetic homologous promoter is produced which has maintained or improved activity compared to the template promoter.

40. The method of claim 36, wherein at least 15% of the template promoter sequence has been replaced in the synthetic homologous promoter.

41. The method of claim 38, wherein at least 15% of the template promoter sequence has been replaced in the synthetic homologous promoter.
42. The method of claim 39, wherein at least 15% of the template promoter sequence has been replaced in the synthetic homologous promoter.